



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400037
Applicant Name: Kirk Fraser with Realcom Associates, LLC
Address of Proposal: 3418 Northeast 65th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for installation of a minor communications utility (Sprint PCS) consisting of six (6) panel antennas on the roof of an existing apartment/administrative office building. Project includes equipment cabinet to be located within the structure at grade.

The following approvals are required:

Administrative Conditional Use Review - to allow a minor communication utility in a Lowrise Multi-Family Residential Zone pursuant to Seattle Municipal Code (SMC) 23.57.011B.

SEPA - Environmental Determination pursuant to Seattle Municipal Code (SMC) 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is situated on the northwesterly corner of the intersection of Northeast 65th Street and 35th Avenue Northeast, in the Ravenna area of northeast Seattle. The property contains a total area of approximately 13,310 square feet. The parcel and existing building are within a split zone district: the north half of the property is in the Lowrise 2 (L-2) zone and the south half of the property is in the Neighborhood Commercial (NC1-30') zone. Development on the site consists of a three (3) story mixed use administrative office/apartment building with a partially below grade basement garage. The

northern portion of the building located in the L-2 zone is an overall height of 30' measured from existing grade to the roof parapet and the southern portion of the building, located in the NC1-30' zone, is an overall height of 37'7" measured from existing grade to the top of the pitched roof.

Currently, Cingular Wireless and T-Mobile have minor communication utilities on this site. DPD issued Master Use Permit (711544) to Cingular Wireless to establish a minor communication utility and install eight (8) panel antennas on the roof. DPD also granted T-Mobile a Master Use Permit (732322) to establish a minor communication utility for the installation of three (3) rooftop panel antennas. Both providers have situated their antennas and equipment entirely on that portion of the building that is within the NC1-30' zone.

Surrounding Zoning and Uses

South: Apartments, NC1-30 zone;

North: Mix of Residential and Commercial Structures, L-2 zone;

East: Mix of Residential and Commercial Structures, NC1-30 zone;

West: Artist Studio and Church, L-2 and NC1-30 zones.

Proposal Description

The proposed project consists of the installation of a minor communication facility for Sprint Spectrum, L.P. The facility will consist of one three (3) sector antenna array with one (1) antenna per sector (3 panels total) projecting 11' above the roof of an existing mixed use building. The antenna array will be enclosed within a fiberglass shroud designed to resemble a vent stack and attached to the roof decking located within the portion of the site zoned NC1-30'. All associated cabling will be located in cable trays affixed atop the roof and within a metal shroud mounted against the northwest exterior wall located in the L-2 zone and routed to the associated radio equipment. The radio transmitter equipment cabinets will be located within an existing trash dumpster room located in the basement parking garage area. The antennas, cabling tray, metal shroud and fiberglass shroud will be painted and constructed to match the appearance of the building.

Public Comments

No comments were received during the comment period which ended April 7th, 2004.

ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS

Seattle Municipal Code (SMC) 23.57.011B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when they meet the development standards of SMC 23.57.011C and the following criteria, as applicable.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposed antennas will be located on the rooftop of that portion of the mixed use building that is located in the NC1-30' zone but the associated cabling will extend into the L2 zone. According to the plans, the antennas will conform to codified development standards, visual impacts and design standards of SMC 23.57.011 and 23.57.016. The antennas and the associated cabling will be screened by materials and colors consistent with the current exterior of the building and will be partially obscured by the existing roof parapet; thus providing for a facility that is the least intrusive design for this residentially zoned neighborhood.

Some views from neighboring residential structures may be altered by the presence of the facility. The applicant has provided photographic simulated evidence suggesting that the visual intrusions would be minor.

The proposed minor communication utility is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the panel antennas and cabling are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. Per the applicant, the best alternative to constructing a new monopole in this area and the least intrusive location is to attach the proposed antennas to an existing building's roof and co-locate with other wireless carriers. The minor communication utility will be integrated into the design of the building and screened to resemble the existing screened antennas on the roof. The negative impacts to the neighbors and tenants of the host building will likely be minor and cell phone coverage in the area will be improved, which will be beneficial to users in the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise. According to the applicant, any noise associated with the equipment cabinet is estimated to be below the ambient levels allowed in the NC1-30' zone and will be shielded by the walls in which it is to be located. Thereafter, it is proposed that minimal noise will be associated with approximately one vehicle trip every month to the site for maintenance. No dwelling units will be displaced in conjunction with this application. Thus, the proposal will not be substantially detrimental to the residential character of nearby residentially zoned areas.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

Subsection C of SMC 23.57.016 states, "...Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures and shall be no taller than such structures." Subsection F of this same section further state, "New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building".

According to the applicant, there are two reasons why it is technically not feasible to locate the proposed minor communication utility near the center of the roof: 1. the center of the roof is occupied by a skylight/penthouse structure and; 2. they must meet horizontal separation requirements from the two existing wireless providers in order to minimize interference. The

applicant has proposed a design that matches the design of the existing facilities, blends with the architectural building elements and minimizes the possible visual impacts in the L2 zone.

According to the plans submitted, one (1) three sector antenna array will be enclosed in fiberglass shrouds mounted on the southwest corner of the roof with cabling extending to the northwest area of the building. This design was selected to consolidate equipment, reduce the overall height of the antennas support structure, and in turn, reducing the visual impact and construction constraints on the existing building. By keeping the antenna closer to the edge of the building, substantial signal loss due to a lack of edge clearance is avoided. Technical documentation was provided by a Sprint PCS Wireless RF engineer substantiating the proposed design. The equipment cabinets will be located within the basement parking garage. Therefore, the proposal complies with this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *the antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

This mixed use residential building is legally conforming in regards to maximum height limits allowed in NC1-30' and L-2 zones. The proposed height of the antennas, 11', is below the 15' height allowed per SMC 23.45.012.C.1.b. The metal shroud will extend 1' above the roof parapet. The requested height is the minimum necessary and is consistent with the applicant's intent to develop a network of greater number of small less obtrusive sites.

Per the applicant, the specific location and position of the proposed site has been selected to maximize capacity and coverage/penetration while minimizing the antenna height requirement. The proposed site location is close to the target area and has sufficient height to mount the cell site antennas to have an unobstructed view of the intended coverage area as shown on the applicant's propagation maps.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility will not be a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED** as noted below.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was originally made in the environmental checklist dated March 2, 2004 and revised June 18, 2004. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

Many environmental concerns have been addressed in the City's codes and regulations. The SEPA Overview Policy (SMC 25.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulation are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - Term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; consumption of renewable and non-renewable resources. These impacts are expected to be very minor in scope and of very short duration considering the installation process. No conditioning pursuant to SEPA is warranted.

Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The initial installation of the antennas and construction of the equipment room may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

Long - Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. However, due to the widespread public concerns expressed about electromagnetic radiation, this impact is further discussed below.

The Federal Communications Commission (FCC) has been given exclusive jurisdiction to regulate wireless facilities based on the effects of electromagnetic radiation emissions. The FCC, the City and County have adopted standards addressing maximum permissible exposure (MPE) limits for these facilities to ensure the health and safety of the general public. The Seattle-King County Department of Public Health has reviewed hundreds of these sites and found that the exposures fall well below all the maximum permissible exposure (MPE) limits. The Department of Public Health does not believe these utilities to be a threat to public health.

The City is not aware of interference complaints from the operation of other installations from persons operating electronic equipment, including sensitive medical devices (e.g. - pacemakers). The Land Use Code (SMC 23.57.012C2) requires that warning signs be posted at every point of access to the antennas noting the presence of electromagnetic radiation. In the event that any interference were to result from this proposal in nearby homes and businesses or in clinical medical applications, the FCC has authority to require the facility to cease operation until the issue is resolved.

The information discussed above, review of literature regarding these facilities, and the experience of the Departments of Planning and Development and Public Health with the review of similar projects form the basis for this analysis and decision. The Department concludes that no mitigation for electromagnetic radiation emission impacts pursuant to SEPA policies is warranted.

Other long term impacts such as height, bulk and scale, traffic, and air quality are minor and adequately mitigated by the City's existing codes and ordinances. Provided that the proposal is constructed according to approved plans, no further mitigation pursuant to SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This

constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

For the Life of the Permit

1. Screening shall be integrated with architectural design, material, shape and color of the existing building.

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: July 26, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development